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Attorneys for Plaintiff  
DIANE VON FURSTENBERG STUDIO, LP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

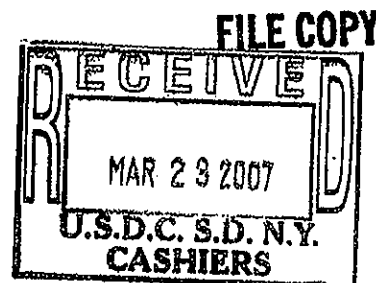
DIANE VON FURSTENBERG STUDIO, LP, a  
Delaware limited partnership,

Plaintiff,

v.

FOREVER 21, INC., a Delaware corporation;  
FOREVER 21 RETAIL, INC., a California  
corporation; FOREVER 21 LOGISTICS, LLC, a  
Delaware limited liability company; /

Defendants.



**JUDGE MARRERO**

**07 CV 2413**  
Civil Action No.

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT, UNFAIR  
COMPETITION AND FALSE  
DESIGNATION OF ORIGIN,  
UNLAWFUL DECEPTIVE ACTS AND  
PRACTICES**

**COMPLAINT**

Plaintiff Diane von Furstenberg Studio, LP ("DVF") alleges the following for their Complaint against Defendants forever 21, Inc., forever 21 Retail, Inc., and forever 21 Logistics, LLC, on personal knowledge as to DVF's own activities and on information and belief as to the activities of Defendants:

**THE PARTIES**

1. Plaintiff Diane von Furstenberg Studio, LP is a limited partnership, organized and existing under the laws of Delaware, with offices at 440 W. 14th St., New York, New York 10014.

2. Upon information and belief, Defendant forever 21, Inc. is a Delaware corporation, with its principal place of business and executive offices at 2001 S. Alameda Street, Los Angeles, California 90058. forever 21, Inc. is doing business throughout the State of New York through its retail stores and website at <forever21.com>, with multiple retail store locations in this District.

3. Upon information and belief, Defendant forever 21 Retail, Inc. is a California corporation, with its principal place of business and executive offices at 2001 S. Alameda Street, Los Angeles, California 90058. forever 21 Retail, Inc. is doing business throughout the State of New York through its retail stores and website, with multiple retail store locations in this District.

4. Upon information and belief, Defendant forever 21 Logistics, LLC is a Delaware limited liability company, with its principal place of business and executive offices at 9 East Lookerman Street, Dover, Delaware 19901. forever 21 Logistics, LLC is doing business throughout the State of New York and in this District.

5. forever 21, Inc., forever 21 Retail, Inc., and forever 21 Logistics, LLC are collectively referred to as "forever 21" or "Defendants."

### **JURISDICTION AND VENUE**

6. This is an action for: (a) copyright infringement in violation of the Copyright Law, 17 U.S.C. §§501, *et. seq.*; (b) unfair competition and false designation of origin in violation of 15 U.S.C. §1125(a); (c) unlawful and deceptive acts and practices in violation of N.Y. Gen. Bus. Law §349; and (d) unfair competition under New York state law, all of which activities have occurred in this District and elsewhere in interstate commerce.

7. Subject matter jurisdiction for the claim of copyright infringement and unfair competition and false designation of origin is proper in this Court pursuant to 28 U.S.C. §§1331, 1332, 1338(a), and 17 U.S.C. §501, 15 U.S.C. §1125(a). Supplemental jurisdiction for the claims of unlawful deceptive acts and practices and unfair competition is proper in this Court pursuant to 28 U.S.C. §1367 because these claims form part of the same case or controversy as the claim for copyright infringement.

8. This Court has personal jurisdiction over the Defendants in that Defendants do business throughout the State of New York including this District.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that Defendants are transacting business within this District. Further, venue is appropriate since a substantial portion of the acts complained of herein were committed by Defendants within this District.

### **FACTUAL BACKGROUND**

#### **DVF'S PRODUCTS AND SALE OF ITS COPYRIGHTED DESIGNS**

10. Ms. Diane von Furstenberg has been a fixture in the American fashion world since arriving in New York in 1972 with her signature jersey dresses. By 1976, Ms. von

Furstenberg had sold more than five million of her iconic wrap dresses, and came to symbolize female power and freedom to an entire generation.

11. In 1997, Ms. von Furstenberg established Diane von Furstenberg Studio LP to sell her signature line of dresses and other women's apparel. Currently, DVF is a leader in the design, development, manufacture, advertising, marketing, distribution, licensing, and sale of designer dresses and other women's apparel, accessories, jewelry, cosmetics, luggage, and other luxury goods (collectively, "DVF Products").

12. DVF is the owner of numerous trademark registrations for its marks as well as numerous U.S. copyright registrations for its original print and fabric designs.

13. DVF Products have become favorably known throughout the World for their distinctive style, high-quality materials and superior designs. Genuine DVF Products are easily identified by the mark DIANE VON FURSTENBERG and other marks and by their distinctive fabric and print designs, many of which have been registered with the U.S. Copyright Office.

14. As a result of the high-quality and superb design of DVF Products, these products have achieved an outstanding reputation among consumers, especially fashion-conscious women. DVF's trademarks and copyrights have become well and favorably known in the industry and to the public as the exclusive source of DVF Products and have come to symbolize the goodwill built up in DVF Products.

15. DVF Products are sold in high-end department stores, such as Barneys, Neiman Marcus and Saks Fifth Avenue, as well as through DVF's website at <dvf.com>.

16. DVF's marketing efforts, combined with its attention to quality, design and construction, have resulted in hundreds of millions of dollars of sales of DVF Products.

17. DVF and DVF Products have been the subject of much unsolicited, laudatory press coverage in various media, including editorial coverage in the world's leading fashion and lifestyle magazines.

18. At certain times during the year, DVF releases collections of new dress and clothing designs. These collections are shown for the first time at DVF's fashion shows during the New York Fall and Spring fashion weeks and at other times during the year, and then released to consumers during the coming months. These new collections are greeted with widespread media coverage and consumers recognize DVF's original dress and fabric designs in the collections as emanating from DVF.

19. One such dress design exclusively owned by DVF is known as "Cerisier." A photograph of DVF's Cerisier dress is attached hereto as Exhibit A. DVF began showing and selling its Cerisier dress in October 2006 as part of DVF's Holiday Collection. The Cerisier dress design consists of two print designs exclusively owned by DVF: the "Small Dentelle" and the "Flower Lace Border" designs. The Small Dentelle design is the subject of U.S. Copyright Registration No. VA-1-395-624 registered on March 19, 2007. A true and accurate copy of the Certificate of Registration for the Small Dentelle design is attached hereto as Exhibit B. DVF's Dentelle design is also featured on other DVF dresses and clothing. The Flower Lace Border is the subject of U.S. Copyright Registration No. VA-1-395-623 registered on March 19, 2007. A true and accurate copy of the Certificate of Registration for the Flower Lace Border is attached hereto as Exhibit C.

20. Another such dress design exclusively owned by DVF is known as "Aubrey." A photograph of DVF's Aubrey dress is attached hereto as Exhibit D. DVF first showed its Aubrey dress in September 2005 at its Spring 2006 fashion show, and began selling Aubrey

dressess in Winter 2006. The Aubrey dress design bears a print design exclusively owned by DVF called "Mimosa." The Mimosa design is the subject of U.S. Copyright Registration No. VA-1-395-625 registered on March 19, 2007. A true and correct copy of the Certificate of Registration for the Mimosa design is attached hereto as Exhibit E. DVF's Mimosa design is also featured on other DVF dresses and clothing.

21. The registrations of the Small Dentelle, Flower Lace Border and Mimosa designs create a legal presumption in favor of DVF with respect to the ownership of and validity of the copyrights in these works (hereinafter, the Small Dentelle, Flower Lace Border and Mimosa designs may be referred to separately or collectively as the "DVF Copyrights").

#### **DEFENDANTS' INFRINGING CONDUCT**

22. Without authorization or license from DVF, forever 21 has produced and is marketing, advertising distributing, offering for sale and selling dresses nearly identical to DVF's Cerisier and Aubrey dresses that bear print designs identical to the DVF Copyrights (the "Infringing Products") in its retail stores and through its website at <forever21.com>.

23. forever 21 has copied DVF's exact scale and colorways for each design in the DVF Copyrights. True and accurate copies of photographs of the Infringing Products are attached hereto as Exhibit F.

24. Upon information and belief, the conduct of forever 21 was willfully done with knowledge of, and/or reckless disregard for, DVF's rights in the DVF Copyrights for the purpose of damaging DVF's business. forever 21 is profiting from the unauthorized production, distribution, offer to sell and sale of products bearing the DVF Copyrights.

#### **FIRST CLAIM FOR RELIEF** **(Copyright Infringement Under 17 U.S.C. 501)**

25. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

26. DVF is the owner of the DVF Copyrights.

27. DVF has never authorized, licensed or otherwise permitted Defendants to manufacture, distribute or sell copies of the DVF Copyrights.

28. DVF has built up valuable goodwill in the distinctive appearance of DVF Copyrights.

29. As a direct and proximate result of Defendants' use of the DVF Copyrights, DVF has suffered damages to its valuable DVF Copyrights, and other damages in an amount to be proved at trial.

30. DVF does not have an adequate remedy at law, and will continue to be damaged by Defendants' copyright infringement unless this Court enjoins Defendants from such infringing practices.

31. Defendants have realized unjust profits, gains and advantages as a proximate results of their infringement.

**SECOND CLAIM OF RELIEF**  
**UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**  
**(15 U.S.C. § 1125(a))**

32. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

33. The Infringing Products are nearly identical to the genuine DVF Products which bear the DVF Copyrights and, as such, Defendants' sale of the Infringing Products is likely to cause confusion to the general purchasing public.

34. By producing and selling exact replicas of these DVF Products bearing the DVF Copyrights, Defendants misrepresent and falsely describe to the general public the origin and source of the Infringing Products and create a likelihood of confusion by ultimate purchasers as to both the source and sponsorship of such merchandise.

35. Defendants' unlawful, unauthorized and unlicensed manufacturing, advertising, distributing, offering for sale and/or selling of the Infringing Products creates express and implied misrepresentations that the Infringing Products were created, authorized or approved by DVF, all to Defendants' profit and DVF's great damage and injury.

36. DVF has no adequate remedy at law. If Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

**THIRD CLAIM OF RELIEF**  
**UNLAWFUL DECEPTIVE ACTS AND PRACTICES**  
**(New York General Business Law § 349)**

37. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

38. Defendants, without DVF's authorization or consent, and having knowledge of DVF's well-known and prior rights in the DVF Copyrights have manufactured, advertised, distributed, offered for sale and/or sold the Infringing Products to the consuming public in direct competition with DVF Products.

39. Defendants' use of copies or simulations of the DVF Copyrights is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Infringing Products, and is likely to deceive the public into believing the



Infringing Products being sold by Defendants originate from, are associated with, or are otherwise authorized by DVF.

40. Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

41. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

**FOURTH CLAIM OF RELIEF**  
**UNFAIR COMPETITION UNDER NEW YORK STATE LAW**

42. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

43. DVF has built up valuable goodwill in the DVF Copyrights.

44. Defendants' use of the DVF Copyrights is likely to and does permit Defendants to palm off the Infringing Products as those of DVF, all to the detriment of DVF and the unjust enrichment of Defendants.

45. Defendants, upon information and belief, with full knowledge of the fame of DVF and the DVF Copyrights, intended to and did trade on the goodwill associated with the DVF Copyrights and has misled and will continue to mislead the public into assuming a connection between DVF and Defendants by advertising, selling and/or distributing the Infringing Products.

46. Defendants' unauthorized use of the DVF Copyrights has caused and is likely to continue to cause DVF damage by tarnishing the valuable reputations and images associated

with DVF and its genuine goods. Defendants have further palmed off their goods as DVF Products by misrepresentations to the consuming public, members of whom are likely to and do believe the Infringing Products emanate from or are otherwise associated with DVF.

47. The acts of Defendants mislead and deceive the public as to the source of Defendants' goods, permit and accomplish the palming off of Defendants' goods as those of DVF and falsely suggest a connection with DVF, and therefore constitute acts of unfair competition with DVF in violation of the laws of the State of New York.

48. Defendants' acts have and will continue to cause DVF irreparable harm unless enjoined by this Court. DVF has no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, DVF prays for the following relief against Defendants:

1. That Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them be permanently enjoined from directly or indirectly infringing the DVF Copyrights in any manner, including, but not limited to, reproducing, adapting, and/or displaying the DVF Copyrights by distributing, importing, exporting, advertising, selling, and/or offering for sale, or causing others to do so, any product, including without limitation clothing, bearing a design substantially similar to the DVF Copyrights;

2. That Defendants be required to effectuate the recall, removal, and return from commercial distribution and/or public display of:

(a) Any product bearing a design substantially similar to the DVF Copyrights distributed, imported, exported, advertised, sold, and/or offered for sale by Defendants,

their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them; and

(b) Any promotional and/or advertising materials, packaging, or other items bearing designs substantially similar to the DVF Copyrights used or displayed by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them; and

(c) Any pattern, or other item used by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them, to manufacture any product, promotional and/or advertising materials, packaging, or other item bearing designs substantially similar to the DVF Copyrights;

3. That Defendants be required to deliver up for destruction all of the items called for by Paragraph 2 of this Prayer for Relief, above, as well as any remaining products, advertising, packaging, patterns, or other items bearing designs substantially similar to the DVF Copyrights, that are in Defendants' custody or control;

4. That Defendants, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth the details of how Defendants have complied with Paragraphs 1 through 3 of this Prayer for Relief, above;

5. For an award of actual damages sustained by Plaintiff;

6. For an award of Defendants' profits attributable to their copyright infringement;

7. If elected by Plaintiff, for the maximum statutory damages as permitted under the Copyright Act;

8. For such other amounts as may be proper under 17 U.S.C. § 504;

9. For an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

10. For prejudgment interest as permitted by law;

11. For such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

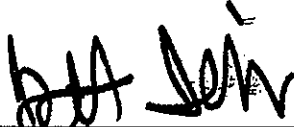
Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all triable issues raised by this Complaint.

Respectfully submitted,

DATED: March 23, 2007

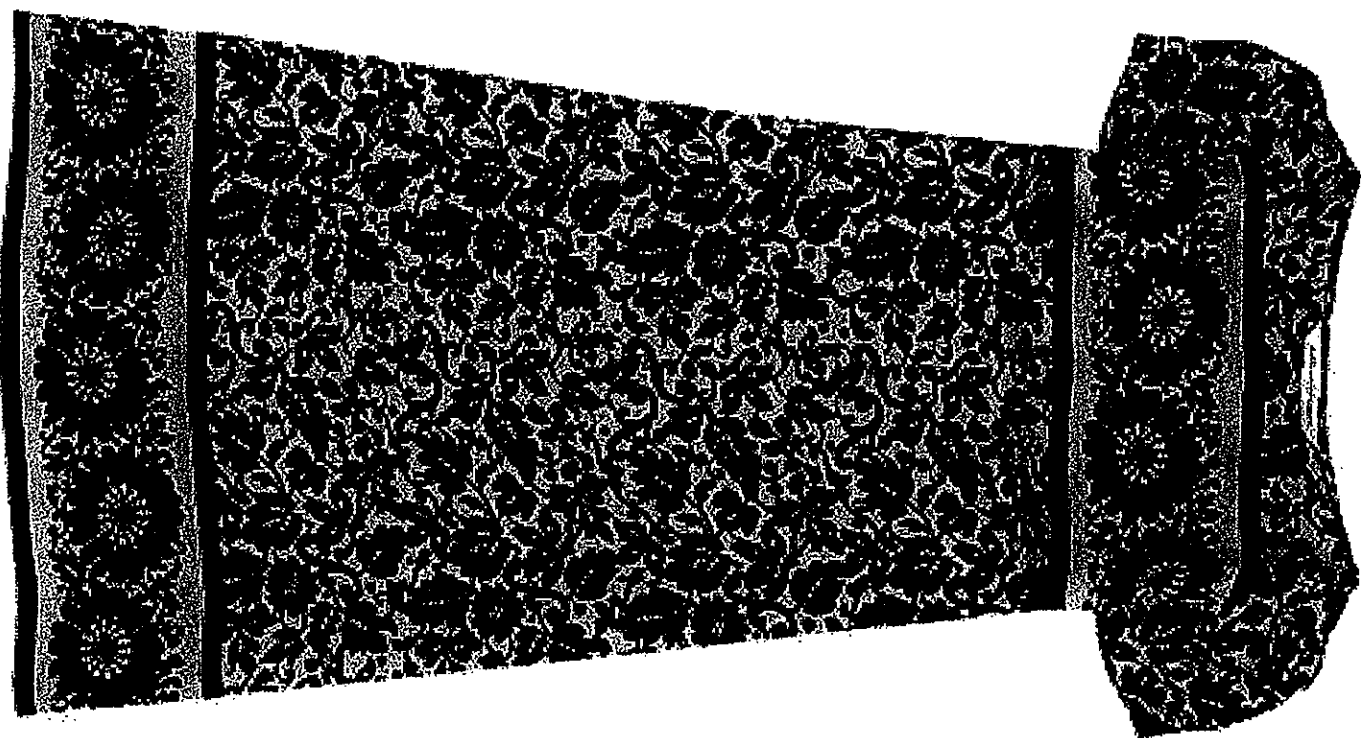
GREENBERG TRAURIG, LLP

By

  
\_\_\_\_\_  
Harley I. Lewin (HL 1819)  
Scott Gelin (SG 9599)  
200 Park Avenue  
New York, New York 10166  
Tel: (212) 801-9200  
Fax: (212) 801-6400

*Attorneys for Plaintiff  
Diane von Furstenberg Studio LP*

# **EXHIBIT A**



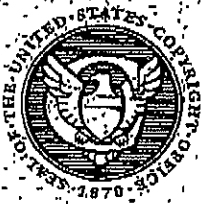
# **EXHIBIT B**

03/23/07 11:50 FAX 202 707 8859

I &amp; R DIVISION

004

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
VA 1-395-624



EFFECTIVE DATE OF REGISTRATION

MAR 19 2007

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work

NATURE OF THIS WORK See instructions

Small Detail

Fabrication of Clothing

Previous or Alternative Titles

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Page

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

a Diane von Furstenberg Studio LP

Year Born

Year Died

Was this contribution to the work a

Author's Nationality or Domicile

Was This Author's Contribution to the Work

work made for hire?  
☐ Yes  
☐ No

OR  
Citizen of USA  
OR  
Domiciled in

Anonymous?  
☐ Yes ☐ No  
Pseudonymous?  
☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☒ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

Name of Author

Dates of Birth and Death

Year Born

Year Died

Was this contribution to the work a

Author's Nationality or Domicile

Was This Author's Contribution to the Work

work made for hire?  
☐ Yes  
☐ No

OR  
Citizen of  
OR  
Domiciled in

Anonymous?  
☐ Yes ☐ No  
Pseudonymous?  
☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

Year in Which Creation of This Work was Completed

2006

Date and Nation of First Publication of This Particular Work

Complete this information: North: APRIL

Day: 27

Year: 2006

Did it in this work first been published: USA

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Diane von Furstenberg Studio LP

APPLICATION RECEIVED

MAR 19 2007

ONE DEPOSIT RECEIVED

MAR 19 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK

Complete all applicable spaces (numbers 1-4) on the reverse side of this page.  
See detailed instructions.  
Sign the back of this page.

DO NOT WRITE HERE  
Page 3 of 20 pages



03/23/07 11:51 FAX 202 707 6859

I &amp; R DIVISION

005

\*Amended by C.O. from phone call  
to Abigail Klem on March 21, 2007.

EXAMINED BY <u>SPW</u>	FORM VA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR
<input type="checkbox"/> Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

Year of Registration

5

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates.

6

b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

a  
See instructions  
before completing  
this space.  
b

**DEPOSIT ACCOUNT** If the registration fee is to be charged in a Deposit Account established in the Copyright Office, give name and number of Account.

7

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. (Name/Address/Apt./City/State/Zip)

Abigail Klem, Director of Licensing and Business Development  
Diane von Furstenberg Studio L.P., 440 West 14th Street, New York, NY 10014

a  
b

Area code and daytime telephone number (212) 741-6607

Fax number (212) 741-8273

Email

**CERTIFICATION** I, the undersigned, hereby certify that I am the

check only one ☐ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)  
of authorized agent of Diane von Furstenberg Studio LP  
(Name of author or other copyright claimant, or owner of exclusive right(s))

8

of the work identified in this application and that the statements made by me in this application are correct in the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Suter

Date March 16, 2007

Handwritten signature (X) [Signature]

X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name Abigail Klem  
Number/Street/Apt. Diane von Furstenberg Studio 440 West 14th Street  
City/State/Zip New York, NY 10014

1. Complete all necessary spaces  
on your application in space 8  
2. Application form  
3. Nonreturnable filing fee in check or money  
order payable to Register of Copyrights  
4. Deposit (required)  
Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20540-4035

9

\*If USPO (USPO) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 405, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

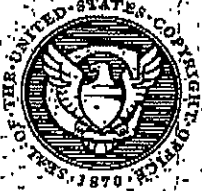
# EXHIBIT C

03/23/07 11:50 FAX 202 707 6859

I &amp; R DIVISION

002

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
**VA 1-395-623**



EFFECTIVE DATE OF REGISTRATION

**MAR 19 2007**

Month Day Year

**DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.**

**1**

Title of This Work

Flower Lace Band

NATURE OF THIS WORK See instructions

Fabric/Accessories of Clothing

Previous or Alternative Titles

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collected, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Page

**2**

**NOTE**

Under the law, the author of a "work made for hire" is generally the employer, not the employee. (See instructions.) For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer's (or other person for whom the work was prepared) name and address in space 4. If the work was not "made for hire" leave the space for date of birth and death blank.

NAME OF AUTHOR

Diane von Furstenberg Studio LP

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

U.S.A.

Domiciled in

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions.

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author

Dates of Birth and Death

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions.

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

**3**

Year in Which Creation of This Work Was Completed

2006

Date and Nation of First Publication of This Particular Work

ONLY if this work has been published.

Month

April

Day

27

Year

2006

**4**

COPYRIGHT CLAIMANT(S) Name and address (not to be given even if the claimant is the same as the author given in space 2.)

Diane von Furstenberg Studio LP

APPLICATION RECEIVED

MAR 9 2007

ONE DEPOSIT RECEIVED

MAR 19 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK

Complete all applicable spaces (numbers 5-7) on the reverse side of this page. See detailed instructions. Sign this form at the bottom.

DO NOT WRITE HERE

Page 1 of 2 pages

03/23/07 11:50 FAX 202 707 6859

I &amp; R, DIVISION

003

\*Amended by G.O. from phone call  
to Abigail Klem on March 21, 2007.

EXAMINED BY	SPW	FORM VA
CHECKED BY		
<input type="checkbox"/> CORRESPONDENCE		FOR
Yes		COPYRIGHT
		OFFICE
		USE
		ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?  
☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

- a. ☐ This is the first published edition of a work previously registered in unpublished form.  
 b. ☐ This is the first application submitted by this author as copyright claimant.  
 c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

Year of Registration

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
 a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added in this work and in which copyright is claimed.

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
 Name  
 Account Number

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip

Abigail Klem, Director of Licensing and Business Development  
 Diane von Furstenberg Studio L.P., 440 West 14th Street, New York, NY 10014

Area code and daytime telephone number (212) 741-6607

Email

Fax number (212) 741-8273

**CERTIFICATION** I, the undersigned, hereby certify that I am the

check only one

- ☐ author  
☐ other copyright claimant  
☐ owner of exclusive rights  
☒ authorized agent of

Diane von Furstenberg Studio L.P.

Name of author or other copyright claimant, or owner of exclusive rights

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter

Date March 16, 2007

Handwritten Signature (X)

X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name  
Abigail Klem  
 Name/Address/Apt.  
 Diane von Furstenberg Studio 440 West 14th Street  
 City/State/Zip  
 New York, NY 10014

1. Complete all necessary spaces.  
 2. Sign your application in space 6.  
 3. Application fee.  
 4. Notarizable filing fee in check or money.  
 5. Other payments to Register of Copyrights.  
 6. Deposit material.  
 Library of Congress  
 Copyright Office  
 101 Independence Avenue SE  
 Washington, DC 20540-0001

17 USC § 109(a): Any person who knowingly makes a false representation of a material fact in the Application for copyright registration provided for by statute, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

Form VA Rev. 07/2006 Print 07/2006-3d/2007 Printed on recycled paper

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# **EXHIBIT D**



# **EXHIBIT E**



03/23/07 11:51 FAX 202 707 6859

I &amp; R DIVISION

0006

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America



Form VA

For a Work of the Visual Arts  
UNITED STATES COPYRIGHT OFFICE

VA-1-395-625



JULY 1, 2007

3/19/07

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work

Mimosa

NATURE OF THIS WORK See Instructions

Fabric/Items of Clothing

Previous or Alternative Title

Publication as a Contribution If this work was published in a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Page

2

NAME OF AUTHOR

Diane von Furstenberg Studio LP

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a

work made for hire?

☐ Yes☐ No

Author's Nationality or Domestic

Place of Birth

OR Country of

Dissemination

Dissemination

Was This Author's Contribution to the Work

Anonymous?

☐ Yes ☐ No

Pseudonym?

☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate boxes. See Instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

Name of Author

Date of Birth and Death

Year Born

Year Died

Was this contribution to the work a

work made for hire?

☐ Yes☐ No

Author's Nationality or Domestic

Place of Birth

OR Country of

Dissemination

Dissemination

Was This Author's Contribution to the Work

Anonymous?

☐ Yes ☐ No

Pseudonym?

☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate boxes. See Instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

3

Year in Which Creation of This Work Was

Completed

2005

This information must be given

Year, in all cases.

Date and Month of First Publication of This Particular Work

Complete this information

Month

Day

Year

2005

U.S.A.

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the

author given in space 2.

Diane von Furstenberg Studio LP

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

MAR 19 2007

ONE DEPOSIT RECEIVED

MAR 19 2007

TWO DEPOSITS RECEIVED

FUND RECEIVED

MORE ON BACK

Complete all applicable spaces (numbers 1-4) on the reverse side of this page.

See detailed instructions.

Mark the form of this 6.

DO NOT WRITE HERE

Page 1 of 2



03/23/07 11:51 FAX 202 707 6859

I &amp; R DIVISION

0007

\*Amended by C.O. from phone call  
to Abigail Klem on March 21, 2007.

EXAMINED BY	SPW	FORM VA
CHECKED BY		
<input type="checkbox"/> CORRESPONDENCE		FOR COPYRIGHT OFFICE USE ONLY
<input type="checkbox"/> Yes		

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 5 on this application.

If your answer is "Yes," give Previous Registration Number:

Year of Registration:

5

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. **Franchising Material** Identify any preceding work or works that this work is based on or incorporates.

6

b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

a  
See instructions  
before applying  
the space.

b

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name:

Account Number:

7

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip

Abigail Klem, Director of Licensing and Business Development  
Diane von Furstenberg Studio L.P., 440 West 14th Street, New York, NY 10014

a

b

Area code and daytime telephone number (212) 741-6607

Fax number (212) 741-8273

E-mail:

**CERTIFICATION** I, the undersigned, hereby certify that I am the

check only one

- ☐ author
- ☐ other copyright claimant
- ☐ owner of exclusive right(s)
- ☒ authorized agent of

Diane von Furstenberg Studio LP

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter

Date March 16, 2007

Handwritten signature (X)

X

Certificates  
will be  
mailed in  
window  
envelope  
to this  
address:

Name  
Abigail Klem  
Name/Address/Apt  
Diane von Furstenberg Studio 440 West 14th Street  
City/State/Zip  
New York, NY 10014

Complete all necessary spaces  
• Sign your application in space 8  
1. Application form  
2. Non-refundable filing fee in check or money  
order payable to Registrar of Copyrights  
3. Deposit material  
Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20540-6009

9

\*17 USC (107): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

# EXHIBIT F

# forever21

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## Silk Sabrina Dress

**List Price: \$32.80**

Sophisticated silk dress with cap sleeves and Sabrina neckline. Features smocked top, 33" shoulder to hem length, 100% silk, hand wash cold, Imported  
ProductCode: 2035464561

[click swatch to view colors](#)


Color	<input type="text" value="YELLOW"/>
Size	<input type="text" value="Size"/> <a href="#">Size Chart</a>
Qty	<input type="text" value="1"/>
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**Born Free**  
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**Sandy Scarf**  
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**Strapless Polka Dot Dress**  
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**Petal to the Metal Necklace**  
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[click image to zoom](#)[prev](#) [next](#)**Pinecone Dress****List Price: \$24.80**

Fun spray print flower dress with raw edged scoop neck and puff sleeves with one button cuff. Adjustable sash ties at waist and two lower front pockets. 100% cotton, machine wash cold, Imported  
ProductCode: 2035368585

[click swatch to view colors](#)

Color

WHITE

Size

Size

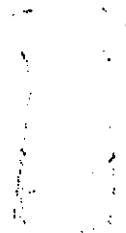
[Size Chart](#)

Qty

1

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